

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOHN BOOKER,** :  
Petitioner :  
: :  
v. : : **CIVIL ACTION NO. 16-CV-4931**  
: :  
**ROBERT GILMORE, et al.,** :  
Respondents. :

**ORDER**

**AND NOW**, this 2<sup>nd</sup> day of October, 2019, upon consideration of the Petition for Writ of Habeas Corpus (Doc. No. 1), Respondents' Response in Opposition (Doc. No. 20), the September 9, 2019 Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (Doc. No. 22),<sup>1</sup> and after an independent review of the record, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice; and
3. There is no probable cause to issue a certificate of appealability.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

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**MITCHELL S. GOLDBERG, J.**

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1 Petitioner did not file objections to the Report and Recommendation within the fourteen days provided by Local Rule of Civil Procedure 72.1(IV)(a). The docket of this case and a search of Pennsylvania inmate records indicate that although a copy of the Report and Recommendation was sent to Petitioner's last known address at SCI-Graterford, Petitioner was paroled from custody in December 2017. Pursuant to Local Rule of Civil Procedure 5.1(b), a *pro se* party "shall notify the Clerk within fourteen (14) days of any change of address." As Petitioner has had almost two years in which to notify the Court of his parole and new address, and as he has not done so, his non-receipt of the Report and Recommendation will not excuse his failure to timely file objections.